IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

	§	
CRYSTAL COMPTON,	§	
	§	
Petitioner,	§	
	§	
v.	§	Civil Action No. 3:14-cv-2877-O
	§	
UNITED STATES OF AMERICA,	§	
	§	
Respondent.	§	
	§	
	§.	

ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. *See* ECF No. 3. Plaintiff objected. *See* Pl.'s Objection, ECF No. 5. The Court has conducted a de novo review of those portions of the proposed findings and recommendation to which an objection was made. Anything not specifically objected to is subject to review for clear error.

In December 2013, Petitioner pled guilty to conspiracy to distribute a controlled substance and was sentenced to 120 months' imprisonment and a five-year term of supervised release. *See United States v. Compton*, No. 3:12-cr-175-O-35 (N.D. Tex. Dec. 23, 2013) (ECF No. 1223). Petitioner filed a motion to vacate her sentence under 28 U.S.C. § 2255. The Magistrate Judge recommended that the Court deny Petitioner's request because Petitioner's criminal case is currently on direct appeal before the United States Court of Appeals for the Fifth Circuit. Petitioner objected on the grounds that her attorney withdrew from representation. *See* Pl.'s Objection, ECF No. 5. Even if Petitioner's attorney has withdrawn from pursuing the appeal, the docket sheet reflects that the appeal is still pending and no opinion has been rendered by the Fifth Circuit. *See United States v.*

Compton, No. 13-11418 (5th Cir. Dec. 18, 2013). The Court cannot entertain a section 2255 motion during the pendency of a direct appeal. *Jones v. United States*, 453 F.2d 351, 352 (5th Cir. 1972). Therefore, this Court cannot consider the merits of Petitioner's section 2255 motion.

Plaintiff's objections are **OVERRULED**, and the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge as the findings of the Court. Accordingly, Petitioner's request for section 2255 relief is **DISMISSED without prejudice**.

SO ORDERED on this 26th day of September, 2014.

Reed O'Connor

UNITED STATES DISTRICT JUDGE